

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Social Welfare – West Godavari District – Eluru Mandal and Village non Municipal Area – Release of Rs.26,36,962/- towards decretal charges for acquisition of land of Ac.2.33 ¼ cents( 11,289 Sq.Yards) in RS.No.780, 781/A for provision of house sites to weaker sections in OP.NO.69/84 – permission accorded - Orders - Issued.

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SOCIAL WELFARE (LA) DEPARTMENT

G.O.RT.NO. 865

Dated :06-12-2008.

Read the following :

- 1 From the District Collector, West Godavari, Letter No.F3/SW/34/2005, dated.31/12/2005.
2. From the Commissioner of Social Welfare, Andhra Pradesh, Hyderabad, Letter Rc.No.LA3/587/2006, dated.04-09-2006.
3. From the Government Pleader for Appeals, High Court, Hyderabad, Letter No.AS.797/2003/A2, dated29/11/2006.
4. Govt. Memo.No.11024/LA(1)/2006-3, S.W. Dept., Dt.14-12-2007.
5. From the District Collector, West Godavari, Letter No.SW/34/2005(G1), dated.27-1-2008.
6. From the Government Pleader for Appeals, High Court, Hyderabad, Letter No.OP No.69/1984/A5, dated.16-6-2008.
7. From the Commissioner of Social Welfare, AP, Hyderabad Lr.No.LA3/587/2006, dated.22-2-2008 and letter dated.4-7-2008.

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**ORDER :**

The Commissioner of Social Welfare, Andhra Pradesh, Hyderabad, in his letter 2<sup>nd</sup> and 7<sup>th</sup> read above, while forwarding the proposal of the District Collector, West Godavari, in his letter 1<sup>st</sup> and 5<sup>th</sup> read above, has requested the Government to release an amount of Rs.26,36,962/- towards decretal charges for the land acquired for an extent of Ac.2.33 ¼ cents in Eluru Town in EP No.145/2004 in OP No.69/84, to comply with the orders of the Hon'ble High Court.

2. The Land Acquisition Officer / Tahsildar, Eluru acquired land to an extent of Ac.10-78 cents for provision of house sites in R.S.No.780, 781/A of Eluru Village and Mandal and passed Award No.7/82-83, dated.20-12-1982 @ Rs.42,350/- per acre. Out of the total extent the owner of the land to an extent of Ac.2.33 ¼ cents was filed the present OP.NO.69/84 under section 18 of Land Acquisition Act, before the Principal Senior Civil Judge, Eluru and the Court in its order, dated.22-10-2002 has enhanced the market value from Rs.42,350/- to Rs.75,000/- per acre and allowed other benefits as per the amended Land Acquisition Act.

3. The Land Acquisition Officer has filed appeal in APHC against the orders of the Lower Court. The Hon'ble High Court has issued the following stay of all further proceedings in EP.NO.145/2004 including the execution of decree passed in OP.NO.69/84, dated.22/10/2002 on the file of Prl. Senior Civil Judge, Eluru, in LA.AS.MP.NO.2656/2005, dated.8/8/2005 in LA.AS.NO.797/2003 and LA.ASMP.NO.109/2006 in AS.NO.797/2003. The High Court order is as follows:

*"There shall be an interim stay subject to t6he condition of the petitioner-Applicant depositing half of the awarded amount on or before 30-10-2005 , failing which, the petition shall stand dismissed without further reference to the Court".*

Again in LA.AS.MP.NO.109/2006 has issued as follows :

*"The petitioner is ordered the time granted earlier is extended for a further period of four weeks from today i.e., 30-1-2006"*

4. Accordingly, the District Collector, West Godavari, has submitted proposals for release of an amount of Rs.24,92,870/- towards decretal charges in this case.

5. The Government Pleader for Appeals, AP High Court, in his letter dated. 29/11/2006 has clarified that it is not necessary to deposit the entire enhanced amount in the event of not complying with the conditional order passed by the Hon'ble High Court in the appeal preferred by the Government. What is all the appellants have to do is that they have to seek time for compliance of the order and deposit whatever amount is directed to be deposited by the appellants.

(PTO)

6. Meanwhile, the Finance Dept., have issued certain instructions regarding calculation of decretal charges and all the District Collectors in the State have been instructed to furnish revised calculation sheets, vide Govt. Memo. No.2572/LA.1/2005-4, dated.2-5-2007.

7. Further, the Commissioner of Social Welfare, AP, Hyderabad in his letter dated.22-2-2008 7<sup>th</sup> read above, has reported that the Hon'ble High Court in AS No.797/2003 have granted interim stay subject to condition of depositing half of the amount. The stay already expired including further extension of time. At present no stay in force and hence the 50% of amount depositing shall not apply. The Hon'ble Addl. Sr.Civil Judge, Eluru issued orders for auction of the attached movable property of Office of the Collector, West Godavari. The Commissioner of Social Welfare, AP, Hyderabad has requested the Govt., to release the decretal charges of Rs.26,36,962/- to comply with court orders in EP No.145/2004 on OP No.69/1984.

8. The G.P. for Appeals, High Court of A.P. in his letter dated.16-6-2008 has opined that as there is no interim order at present, there is no option but to deposit the entire compensation before lower Court to avoid attachment and advised to see that the amount is deposited at the earliest in compliance of the order in OP No.69/1984.

9. Government, after careful examination of the above proposals hereby accord sanction for an amount of Rs.26,36,962/- (Rupees twenty six lakhs thirty six thousands nine hundred and sixty two only) towards decretal charges to the District Collector, West Godavari to comply with Court orders in EP No.145/2004 against OP No.69/1984, towards acquisition of land of Ac.2.33 ¼ cents (11,289 sq. yards) in RS No.780 and 781/1A of Eluru town and Mandal, West Godavari District.

10. The Commissioner of Social Welfare, Hyderabad, is directed to issue necessary proceedings to the District Collector, West Godavari, and the expenditure sanctioned in para (9) above shall be debited to "2225- Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes -01 Welfare of Scheduled Castes – M.H.283- Housing – GH.11- Normal State Plan – SH (08) Acquisition of House sites to weaker sections under Indiramma Programme -310 –Grants-in-aid -312 -Other grants-in-aid" from the available provision during B.E.2008-09.

11. The District Collector, West Godavari, shall verify the proposal thoroughly before releasing the decretal amount and if, found any excess, he is authorized to restrict the payment for the actual amount.

12. This order issues with the concurrence of Finance (Expr-SW) Department, vide their U.O. No.29549/503/A1/Expr.SW/08, dated. 27-11-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY,  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Social Welfare, A.P. Hyderabad.

The District Collector, West Godavari, Eluru.

Copy to :

The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.

The Pay and Accounts Officer, Hyderabad.

The Accountant General, A.P, Hyderabad.

The District Treasury Officer, West Godavari, Eluru

The Finance (Exp.SW) /(BG) Department.

Sf/sc

//FORWARDED::BY ORDER//

SECTION OFFICER